

## Official Form 5 (10/06)

<b>United States Bankruptcy Court District of Nevada</b>		<b>INVOLUNTARY PETITION</b>
IN RE (Name of Debtor – If Individual: Last First, Middle)  <b>TREE MOSS PARTNERS, LLC</b>		ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.)
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (If more than one, state all.):		
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)  4525 South Sandhill Road, #114 Las Vegas, NV 89121  COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS  Clark County, NV 89121		MAILING ADDRESS OF DEBTOR (If different from street address)  c/o USA Investment Partners, Manager 4525 South Sandhill Road. #114 Las Vegas, NV 89121
LOCATION OF PRINCIPAL ASSETS OF BUSINESS (If different from previously listed address)  Riverside County, California		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED  <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11		
<b>INFORMATION REGARDING DEBTOR (Check applicable boxes)</b>		
Nature of Debts (Check <b>one</b> box.)  Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input type="checkbox"/> Individual (Includes Joint Debtor) <input checked="" type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)  _____	Nature of Business (Check <b>one</b> box.) <input type="checkbox"/> Health Care Business <input checked="" type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other
<b>VENUE</b>		<b>FILING FEE (Check one box)</b>
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition for a longer part of such 180 days than in any other District.  <input checked="" type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		<input checked="" type="checkbox"/> Full Filing Fee attached  <input type="checkbox"/> Petitioner is a child support creditor or its representatives, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a chilled support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]</i>
<b>PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR</b> (Report information of any additional cases on attached sheets.)		
Name of Debtor : See attached	Case Number	Date
Relationship: Affiliate	District	Judge
<b>ALLEGATIONS</b> (Check applicable boxes)  1. <input checked="" type="checkbox"/> Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. <input checked="" type="checkbox"/> The debtor is a person against who an order for relief may be entered under title 11 of the United States Code 3.a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.		COURT USE ONLY

Official Form 5 (10/06) – Cont.


Name of Debtor **TREE MOSS PARTNERS, LLC**  
Case No. \_\_\_\_\_**TRANSFER OF CLAIM**

☐ Check this box if there has been a transfer of any claim against the debtor or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).

**REQUEST FOR RELIEF**

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petitioner. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

x   
Signature of Petitioner or Representative (State title)  
Chief Restructuring Officer of  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC  
Name of Petitioner Date Signed

Name & Mailing  
Address of Individual THOMAS J. ALLISON,  
Signing in Representative  
Capacity 4484 So. Pecos Road, Las Vegas, NV

x /s/ Jeanette E. McPherson 12/07/06  
Signature of Attorney Date  
Schwartz & McPherson  
Name of Attorney Firm (If any)  
2850 So. Jones Blvd., # 1, Las Vegas, NV 89146  
Address  
(702) 228-7590  
Telephone No.

x \_\_\_\_\_  
Signature of Petitioner or Representative (State title)  
\_\_\_\_\_  
Name of Petitioner Date Signed  
\_\_\_\_\_  
Name & Mailing  
Address of Individual \_\_\_\_\_  
Signing in Representative \_\_\_\_\_  
Capacity \_\_\_\_\_

x \_\_\_\_\_  
Signature of Attorney Date  
\_\_\_\_\_  
Name of Attorney Firm (If any)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone No.

x \_\_\_\_\_  
Signature of Petitioner or Representative (State title)  
\_\_\_\_\_  
Name of Petitioner Date Signed  
\_\_\_\_\_  
Name & Mailing  
Address of Individual \_\_\_\_\_  
Signing in Representative \_\_\_\_\_  
Capacity \_\_\_\_\_

x \_\_\_\_\_  
Signature of Attorney Date  
\_\_\_\_\_  
Name of Attorney Firm (If any)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone No.

**PETITIONING CREDITORS**

Name and Address of Petitioner Same as above	Open Account	Amount of Claim Approximately \$22 million
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.	Total Amount of Petitioners' Claims	

\_\_\_\_ continuation of sheets attached

PENDING BANKRUPTCY CASES FILED BY OR AGAINST ANY AFFILIATE OF THIS  
DEBTOR

All cases filed in the District of Nevada.

USA COMMERCIAL MORTGAGE COMPANY. Chapter 11 case no. 06-10725

USA CAPITAL REALTY ADVISORS, LLC. Chapter 11 case no. 06-10726

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC. Chapter 11 case no. 06-10727

USA CAPITAL FIRST TRUST DEED FUND, LLC. Chapter 11 case no. 06-10728

USA SECURITIES, LLC. Chapter 11 case no. 06-10729